

May 10, 2005

Mr. Ed Saiauskie
Keystone Quality Transport
1260 East Woodland Avenue
Springfield, PA 19064

Re: **Notice of Proposed Assessment of Penalties:**
Basic Life Support Ambulance Service Provider
Investigation Control #05-B-032

Dear Mr. Saiauskie:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act (N.J.S.A. 26:2H-1, et seq.) which was enacted, in part, to ensure that hospital and related health care services rendered in New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include pre-hospital basic life support ambulance services. In addition, in accordance with §6.4 and §6.6 of the New Jersey Medical Assistance and Health Services Act (N.J.S.A. 30:4D-1 et seq.), this Department is responsible for the development of minimum licensure requirements concerning the equipment, supplies and vehicles of providers of mobility assistance vehicle services.

Furthermore, N.J.S.A. 26:2H-5 grants the Commissioner of Health and Senior Services the power to inquire into health care services and to conduct periodic inspections with respect to the fitness and adequacy of the equipment and personnel employed by those services. As such, in furtherance of each of the aforementioned statutory objectives, the Department of Health and Senior Services (the Department) adopted regulations that govern the licensure and inspection of ambulance and mobility assistance vehicle service providers and their vehicles. Those regulations are set forth in their entirety at N.J.A.C. 8:40-1.1, et seq.

On the night of September 15, 2003, Keystone Quality Medical Transport was seen by an Office of Emergency Medical Services (OEMS) investigator transporting a patient out of Capital Health System Mercer Campus in vehicle #383, license plate number EV24556. This vehicle is not licensed by the New Jersey Department of Health and Senior Services through the Office of Emergency Medical Services and did not, consequently, display a Department issued vehicle license in accordance with

administrative rules. OEMS started an investigation and requested a copy of the patient care report (PCR) from the night of September 15, 2003. Upon review of the PCR, it was noted the vehicle was incorrectly listed as vehicle #381. This prompted a survey of Keystone's place of business by two of the Department's investigators on April 13, 2004. During the course of the investigation, OEMS discovered that Keystone Quality Medical Transport has used unlicensed vehicle #383 12 times on 9 days to retrieve patients from New Jersey hospitals.

The following are dates, times and run numbers:

- On January 28, 2004 vehicle #383 transported a patient from Camden to Philadelphia, run #40176575;
- On January 13, 2004 vehicle #383 transported a patient from Trenton to Philadelphia, run #40173822;
- On January 8, 2004 vehicle #383 transported a patient from Trenton to Philadelphia, run #40172349;
- On December 19, 2003 vehicle #383 transported a patient from Trenton to Philadelphia, run #31267804 ;
- On December 12, 2003 vehicle #383 transported a patient from Trenton to Philadelphia, run #31265809, On December 12, 2003 vehicle #383; transported a patient from Pennsauken to Philadelphia, run #31265794
- On November 11, 2003 vehicle #383 transported a patient from Lawrenceville to Philadelphia, run #31161973;
- On October 16, 2003 vehicle #383 transported a patient from Trenton to Philadelphia, run #31053571;
- On September 23, 2003 vehicle #383 transported a patient from Cherry Hill to Philadelphia, run #30948344, On September 23, 2003 vehicle #383 transported a patient from Lakewood to Philadelphia, run #30948349
- On September 6, 2003 vehicle #383 transported a patient from Williamstown to Philadelphia, run #30945153, On September 6, 2003 vehicle #383 transported a patient from Browns Mills to Philadelphia, run #30945166;

N.J.A.C. 8:40-6.1(b) states that, "No person, public or private institution, agency, entity, corporation or business concern shall provide Basic Life Support ambulance services in any form or manner or utilize any vehicle as a BLS ambulance within the State of New Jersey unless licensed by the Department."

N.J.A.C. 8:40-2.3(a) states that, "Upon finding that an applicant has met all of the requirements for licensure as set forth at N.J.A.C. 8:40-2.1 and 2.2, the Department may issue the applicant a provider and/or applicable vehicle licenses. The provider license shall be prominently displayed at the provider's principal place of business. The original vehicle license shall be affixed to the lower right corner of the window of the rear (curbside) door of the patient compartment in such a manner that it is readable from outside the vehicle."

N.J.A.C. 8:40-7.2(f) states that, "Violations shall be considered as a single, different occurrence for each calendar day the violation occurs or remains uncorrected."

N.J.A.C. 8:40-7.2(e)5 states that, "Violations of the remaining portions of these rules may result in a monetary penalty of \$250 per violation/per calendar day."

Pursuant to N.J.S.A. 26:2H-14, the Department may impose a penalty of not more than \$5,000 per day for each day that a licensee is in violation of any regulation which pertains to the care of patients or health care facility standards. Therefore, in accordance with N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.2(e)5, you are hereby assessed a penalty of \$250 for each of the nine days that Keystone used vehicle #383 noted above, for a total of \$2,250.

A certified check or money order in the amount of \$2,250 made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this Notice. In accordance with N.J.S.A. 26:2H-16 and N.J.A.C. 8:40-7.2(h), failure to pay this penalty may result in the delinquent account being referred to the Office of the Attorney General for collection (N.J.S.A. 2A:58-1, et seq.), refusal by the Department to issue or renew a license and/or any such other action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Emergency Medical Services
P.O. Box 360
Trenton, NJ 08625-0360
Attn: Ms. Karen Halupke

Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-7.3, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the deficiency noted above. In the event that you request a hearing, this penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, N.J. 08625-0360
Attn: Ms. Michele Stark

Please include control number 05-B-032 on all of your correspondence. **Finally, please note that failure to submit a request for a hearing within 30 days from the date of this Notice shall render this Notice final, and the entire \$2,250 shall be immediately due and payable.**

If you have any questions concerning this matter, please do not hesitate to contact Mr. Samuel Stewart of my office at (609) 633-7777.

Sincerely,

Karen Halupke RN, M.Ed.
Director, Emergency Medical Services

c: Michele Stark OLRA
David Gruber, Assistant Commissioner
Samuel Stewart, Esq., OEMS
Charles McSweeney, OEMS
Donald Roberts, OEMS

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